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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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25944 7590 04/27/2009
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EXAMINER

HIGGINS, GERARD T

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

04/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 04/21/2009 will not be entered because it raises new issues that require further search and consideration and raises issues of new matter.

In claims 1, 4, and 5, the fact that the optical material layer is "formed and dried on this substrate" requires new search and consideration as the claims did not require such a limitation previously.

In claims 1, 4, and 5, the requirement that the optical material layer is a "hydrolyzed solution of an inorganic matrix material having a Si-alkoxide" requires new search and consideration as the claims previously only required a metal alkoxide, wherein the metal alkoxide contained Si alkoxide as a main ingredient.

In claims 1, 4, and 5, the limitation concerning a "wave-type thickness unevenness" raises issues of new matter because the limitation is not present in the specification as originally filed and it is unclear if a "wave-type" and "wave-like" mean the same thing. Additionally, the Examiner notes that if the amendment was entered the term "wave-type" would remain rejected under 35 U.S.C. 112, second paragraph as being indefinite.

In claims 1, 4, and 5, the limitation that "the total thickness of the organosilicon layer and the dried optical material layer is optically uniform" requires new search and consideration as the claims did not specifically require a uniform total thickness. The

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Examiner notes that if this amendment was entered it would overcome the rejection of claims 1, 4, and 5 under 35 U.S.C. 112, second paragraph related to this phrase.

In claim 29, the requirement that “part of the organosilicon resin layer” is provided between the outer periphery of the optical material layer and the inner periphery of the spacer requires new search and consideration because the claims did not originally require that limitation. The Examiner notes that if this amendment was entered it would overcome the rejection of claim 29 under 35 U.S.C. 112, first paragraph.

The Examiner also notes that if the amendment were entered the rejection of claims 1, 4, and 5 under 35 U.S.C. 112, second paragraph related to the limitation that “the organosilicon resin layer is coated on the surface of the optical material layer after drying” would have been removed.

With regard to the rejections based upon the prior art, applicants argue that the Examiner has not taught that optical material layer is prepared by drying a material containing a “hydrolyzed solution of an inorganic matrix material having a Si-alkoxide.”

The Examiner again notes that this is a new limitation that requires further search and consideration; however, the Examiner also notes that the holographic recording layer would still read on applicants' “hydrolyzed solution of an inorganic matrix material having a Si-alkoxide.” Applicants' attention is drawn to page 12, line 25 to page 13, line 1 of their specification, which states that chloropropyltriethoxysilane was hydrolyzed and employed in an inorganic matrix material of their invention. This reads on the organometallic compound of the general formula (1) of Otaki, which has at least one non-alkoxide type substituent.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARD T. HIGGINS whose telephone number is (571)270-3467. The examiner can normally be reached on M-Th 10am-8pm est. (Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Bernatz, acting SPE for Carol Chaney, can be reached on 571-272-1505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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GERARD T. HIGGINS
Examiner
Art Unit 1794

/G. T. H./
Examiner, Art Unit 1794

/Kevin M Bernatz/
Acting SPE of Art Unit 1794

April 24, 2009